

# Committee on Resources

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Animas and Hachita, New Mexico

Testimony

**Before the Committee on Resources**

**United States House of Representatives**

*Hearing on The Importance of Border Security*

*on Federal Lands*

Saturday, August 5, 2006

Honorable Chairman Pombo, members of the House Committee on Resources, and especially our most honorable Congressman Steve Pearce from New Mexico. On behalf of my neighbors, family and myself, I thank you for holding this hearing on the importance of border security on federal lands, and for the opportunity to testify before you.

My name is Judy Keeler. My husband, Murray, and I own two ranches along the New Mexico/Mexico Border. One ranch is located 30 miles south of Animas, New Mexico. It's approximately 12 miles north of the Mexican border and 5 miles east of the Arizona border in what's called the Bootheel of New Mexico. The other ranch is 7 miles east of Hachita, New Mexico, 45 miles west of Columbus, New Mexico and 5 miles north of the Mexican border. Both ranches are comprised of federal, state and private lands. Both ranches have their unique challenges; one has a lot of Latin Americans passing through it, the other has a lot of drug traffic passing through it. Both activities are illegal and both are destroying our nation.

As I read through the Resource Committee's Disclosure Requirement I was struck by question # 6 – what professional licenses, certifications, or affiliation do I hold that are relevant to my qualifications to testify on this subject matter? I wrote, none.

In reality, however, I have 54 years of experiences living along the border. I serve on the Hidalgo County Public Land Advisory Committee, have served 9 years on the Jaguar Conservation Team for Arizona and New Mexico and belong to several ranching and civic organizations.

As a third generational New Mexican, and a 5 th generational rancher, I grew up in the border lands, received my formal education in the border schools and enjoyed the border lands for recreation, as well as sustenance.

As a young, impressionable child I was blessed to have grown up in the small town of Hachita, NM. Before Hillary Clinton's book, *It Takes a Village*, was published, I lived the phenomenon of a totally integrated community. Our town was a composite of America.

I learned my first words in Spanish while tagging along with our Mexican worker as he built fences on our ranch. Although he never spoke English with anyone else, he taught me Spanish, using his broken English. He was a friend and a helper.

Many of my school mates were bilingual. I shared meals with them. Their parents watched over my brother

and I, just as my Mother and Dad cared for their children. We learned quickly, at an early age, regardless of nationality, none of us could get away with any mischief in our community. It didn't matter what language we spoke, we were neighbors. No we were more than that, we were family.

Even today, my friends are from every race, color, creed and religion. That's how I was raised, that's how I live and that's the example I set for my children. It was to these friends and family members, many with Spanish surnames that I turned for advice when invited to speak. The testimony I'm giving today is a composite of their thoughts and suggestions, as well as my own.

I'm giving you this background in order to preface what I'm about to say. The solutions offered here are not developed from some racial bias. They come from our heart and are based on facts and personal experiences.

The problems along our southern border were not created in a single day and they won't be solved in a single day. They were not created by the Democrat Party or the Republican Party. They were created by imperfect human beings, irregardless of their nationalities or party affiliations, trying to solve a problem from the top down. What I see happening along our border can not compare to 50 years ago. Times have changed and I'm here to discuss those changes.

What are the problems along our southern border today?

When the flood of illegal immigration finally came to the attention of our national leaders, their first reaction was to provide additional personnel and protections in and around our urban areas. As a former resident of El Paso, Texas, I understood this emphasis and agree it needed to be done.

However, as border security tightened around the urban areas, the illegal traffic began to be funneled through the more open, rural areas of the border states, first in California, then Arizona and finally into New Mexico.

Now, in order to resolve this situation, we're going to have step up border security in the rural areas, just as we did around the urban areas.

We don't need more laws; we only need to enforce the ones that are already on our books.

Mexico certainly enforces her immigration laws. If you've ever visited Mexico, you know they have check points where you must show your permiso (permission) to visit the interior. If your papers are not in order, you will be detained by the Federales until the matter gets resolved. Your living conditions won't be the most comfortable for the duration of the time you spend in that nation.

Why should the U.S. be expected to do anything less?

How many illegal immigrants are coming across our border? What is happening to our federal, state and private lands as a result of this immigration? And, how do we resolve it? These are the answers we seek today.

New Mexico shares 186 miles of border with Mexico. There are three (3) Border Patrol Sectors along this route: Las Cruces, Deming and Lordsburg. According to the Lordsburg Border Patrol Sector Chief, where our Animas ranch is located, one thousand (1,000) illegal immigrants are apprehended on a monthly basis. Although I tried to find out the apprehension rate for the Deming Sector, where our Hachita ranch is located, I ran into computerized answering machines and endless bureaucratic red tape.

However, since the Deming Sector contains the border towns of Palomas and Chihauas, Mexico where many illegal immigrants start their trek into the United States, in addition to about 50 miles of border, it's safe to assume they apprehend twice (2xs) the number of illegal immigrants.

It's the opinion of many that for every one illegal immigrant the Border Patrol apprehends; at least three (3) to five (5) pass through undetected. I hope you can envision what 3,000 – 10,000 people can do to the natural resources in one month.

I'm sure I don't need to remind you that ranches in the West are a checkerboard of federal, state and private lands. The destruction to the land is not limited to just the federal lands. It's happening across ownership boundaries.

Our ranch in Hachita has about 5 miles of frontage on New Mexico State Highway 9 which runs parallel with the Mexican border from Rodeo, New Mexico to Santa Teresa, New Mexico. It's not uncommon in that 5 mile radius to find 20 to 30 footpaths on a daily basis. Each footpath bearing anywhere from 6 to 30 individuals trekking northward from Mexico to Interstate 10, or other predestined pickup sights.

A neighboring rancher told me he built 4 ½ miles of fence recently, in cooperation with the Bureau of Land Management (BLM). They did it through a cooperative project that used range improvement – 8100 money – as its source. In that 4 ½ miles he came across at least 60 trails. His concern before building the new fence was that it would be cut by the illegal immigrants as they passed through. He's been lucky; so far the fence is still intact.

The nets the BLM placed over his 3 steel rim tanks several years ago have not fared as well. Originally placed there to protect any Aplomado Falcons from drowning, these nets have been cut by the illegal immigrants and patched by the BLM so many times they are now just a mass of patches.

Border Patrol agents are not above cutting fences or laying them over when pursuing illegal immigrants. I can't begin to tell you how many times we've come across our fences cut, not just by the illegal immigrants, but by the Border Patrol themselves. We understand the need to pursue and capture the illegals, especially their coyotes, but it would be nice if the Border Patrol would repair the damage they create, or at the very least, contact us so we can make the repairs.

In fact, it would a lot of help if Border Patrol agents were given "sensitivity" classes and encouraged to befriend ranchers instead of taking an adversarial approach. Ranchers are not their enemies; we can assist them in their task if they won't talk down or berate us.

We live in a very tender desert environment that has been hard-hit by drought over the last 10 years. Additional human impacts only serve to further stress the land, our livestock, the wildlife and our limited resources.

One of our most limited resources is water. As one couple from Washington State observed as they walked the Continental Divide Trail in our area, "the only water we found was at the windmills". This always comes as a surprise to people that visit from the eastern and western coastal states.

Water is vital to every community and business, including the ranching industry. But it is very limited in the West. Wildlife and cattle are both dependent upon the permanent waterings ranchers provide. Most of these waters are found on private land where our predecessors developed windmills, troughs and dirt tank impoundments, and we, as modern-day ranchers, maintain and continue to develop additional ones.

These waterings are also utilized by the illegal immigrants. Unlike cattle and wildlife, humans can and do turn on valves and break floats draining the precious water onto the ground. They also defecate and bathe in these waters, cut nets that are supposed to protect the wildlife and continually stress our limited water resources.

In addition, they congregate near the waters to rest. Livestock and wildlife won't come to water when there are a lot of people around. One rancher in our area had an outbreak of pasturella in his calves. The state veterinarian was called in to find out how the outbreak originated. After a week of research, they determined the cattle were stressed by all the activity that kept them away from the water, which made them more susceptible to disease. If this is happening to our livestock, one can rightly surmise the wildlife are also impacted making them just as susceptible to diseases.

One of the biggest impacts from the illegal activity is the trash. All one has to do is drive along Highway 9 between Rodeo and El Paso, Texas to see the trash that has been dropped by the illegal immigrants. Plastic water jugs, plastic bags, paper and other items litter the area.

To really see the impacts, however, one needs to get off the road and walk through some of the draws and gulleys. My husband and I make it a habit of picking up the litter on our ranches, regardless of whether it's federal, state or private land. It always amazes me how many backpacks and water bottles we find. No one else cleans up after the illegal immigrants. In fact, the Border Patrol will often make the immigrants leave their water bottles, sacks of food and clothing or backpacks on the ground before loading them into their vehicles.

One rancher in our area reported he had a calf with a plastic bag hung in its teeth. The poor animal couldn't spit the bag out nor could he swallow it. No doubt he had a hard time eating and drinking until the rancher dislodged the bag. No telling how many other calves die before they can be found and rescued.

We also find human feces and toilet paper littering our ranches. This trash not only creates an eye sore for those who pass by, but a health hazard to livestock, wildlife and other human beings.

Reports tell us that many of the illegal immigrants are bringing invasive species, as well as diseases, into our country. An employee of the U.S. Fish and Wildlife reported that one reason the Chiricahua Leopard Frog is on the brink of extinction is because of a lethal fungus that can be transported from one water hole to another by wildlife and humans alike. Called the chytrid fungus it has been linked to amphibian deaths in places as far away as Australia and Costa Rica. It kills frogs by growing on their skin, making it hard for them to use their pores to regulate water intake. The frogs literally die of thirst in the water.

Archeological sites are also being impacted by this traffic. Perhaps not intentionally, but these sites are being destroyed by the increased human activity.

Our grasses are being trampled out where the trails cut across the land. In the places where large groups of illegal immigrants congregate to rest and regroup, vegetation becomes nonexistent. Fire can also have a negative impact on grasses. Several fires, started by illegal immigrants building campfires, have burned so hot they've destroy not just the grass, but the root systems so the grass can never grow back. As a rancher, we can not afford to lose our grasses. Without them we have no livestock operation.

It's also costing our communities a lot of money to provide medical services for the illegal immigrants. On July 3<sup>rd</sup> we had an immigrant show up in our corrals during a family gathering. No one saw him walk in. But we did see him thrashing on the ground in convulsions and ran to his assistance. We called the border patrol and emergency services, which are very limited and not always available in our rural community. Until one of them arrived, we made him as comfortable as possible; offering him Gatorade and water to rehydrate him.

He told us he was from Oaxaca that's in the extreme southern portion of Mexico and had sold everything he owned to pay a coyote \$3,000 to bring him into the U.S. When he couldn't keep up with the rest of his group, the coyote gave him some pills to pep him up. When this failed to help, he was left behind. Lost, dehydrated and despondent, he found his way to our home.

The Border Patrol was the first to respond, placed him in the back of their vehicle and transported him. We learned the next day he was in the Silver City hospital with kidney failure.

In another instance my husband came across an illegal immigrant that had been beat up by his coyotes. They also stole the money he had in his pockets and left him to die. The poor guy wanted a ride into town, but my husband knew if he was caught transporting an illegal immigrant his vehicle could be impounded and he could be fined. Offering him some crackers and what water he had, he asked if it was okay to call the Border Patrol as soon as he was within cellphone service.

The man was afraid the Border Patrol was like the Federales in Mexico and begged him not to call. Murray assured him the federal agents were different in the U.S. and would take care of him. The guy finally agreed to let him call for help. We never heard whether the Border Patrol was able to find him.

A few weeks ago three illegal immigrants, a husband, wife and young native Indian girl from Mexico, came to our home in Hachita seeking help. The Indian girl had not been able to keep up with their group so the coyote had left them in the mountains. The couple was concerned that if they left the girl alone, she would die. Although they had sold everything they owned to buy their way into the U.S., and would return to their country destitute, they stayed to help their fellow human being. We called the Border Patrol. They picked them up.

Most recently we had a group with three young children pass through. The children were dehydrated and exhausted. Although we tried to persuade them to let the Border Patrol come get them, they trekked on. Only the Lord knows if they made it.

According to the Luna County Sheriff's Department, they find at least 10 illegal immigrants dead each year. These are the ones that are reported and they are able to find. Many go unreported and undiscovered.

Although damage reports to property are down this year, the sheriff's office still has 5 to 6 reports each month that range from minor damage to broken water lines and valves to grand theft of guns, cash, and autos.

I could go on and on with my stories but my time to speak is limited. In my mind the human impacts; to both the residents that live along the border and the illegal immigrants that pass through, are the most tragic results of all this illegal activity. We're leaving a legacy to our children that won't be a positive one. No doubt my children and grandchildren will never forget the trash, resource damages, or our little friend from Mexico writhing in convulsions as he lay in our corrals fighting for his life.

I don't believe elected officials in Mexico are blind to the tragedies and indignities their people suffer in order to come to the United States. Many of my friends believe they turn a blind eye to this travesty and allow the United States to care for their downtrodden and poor.

NAFTA may have brought industrialization to northern Mexico, but it has not resolved the problems lurking farther south. Many of the illegal immigrants are from southern Mexico, as well as Central America. They hope to find a better life here. No one can fault them for this desire. But, they have no idea what ordeals they will pass through in order to achieve their dream.

One immigrant showed up at our ranch in Animas asking how far it was to Denver. We asked if he intended to walk there. When he responded affirmatively we told him it was about 600 more miles and it would take him at least a month to walk it. He let us call the Border Patrol. They returned him to Mexico.

What are our solutions? How can we resolve the situation?

The solutions will not be easy. There must be a many pronged approach, including a fence and a guest worker program.

We must show our neighbors to the south some tough love. Mexico has to acknowledge it has a problem. They must assume the responsibility to care for their people and own up to the failure of their country to meet those needs. The nation must be held accountable.

The U.S. needs to realize Mexico has a caste system. They have the haves and they have the have nots. There is no middle class even though it is nation rich in untapped natural resources and with a people that have tremendous potential. Under the present conditions individuals born into this caste system have no means of escape, except to come to the United States.

Have you ever wondered why we don't have an influx of immigration from Canada? Could it be because Canada does not have the abject poverty Mexico has? Mexico must stop shipping its poverty across the border. They must create opportunities for their people and give them hope for a future. How do they do this? They need to encourage and support small businesses other than illegal drugs. They also need to provide free education beyond the 8 th grade. They must build trust between their government and their people. This is an awesome task that can only be accomplished by men of integrity and honor.

In the meantime, Mexico needs to reciprocate in securing the border.

I'm not a proponent of building a wall between the U.S. and Mexico. I believe it will be too expensive and ultimately it will not stop the illegal immigrants. But, we do need a fence. First, we need a law that clearly defines the border area, not the 50-150 miles zone as proposed in Border XXI, but a 60 foot easement where a road can be built along the border. And, the money to build a fence and road must be appropriated by Congress.

Fiber optics could be put in as the road and fence are built with well-placed cameras that can monitor illegal crossings. With the fiber optics this information could be sent to the nearest Border Patrol headquarter and monitored 24/7.

The fence does not have to be some colossal feat. It can be practical and achievable. It could be built with railroad ties set on 4 feet centers with 4 or 5 strands of wire that would allow the wildlife to migrate between the U.S. and Mexico. The cameras could act as the deterrent, not the fence

We also need to define whose responsibility it will be to maintain this fence. I know ranchers that have gone to their grave trying to seek a solution to this issue with our federal government. It's time to get it resolved!

The Army can be very efficient in patrolling our borders. In October of last year they held maneuvers in the Hachita/Columbus area. They headquartered on the federal lands on our ranch next to Highway 9. In 10 days they assisted the Border Patrol in apprehending over 1,000 illegal immigrants. Although they slowed down the crossings during the month they were there, the illegal crossings resumed as soon as they left. In fact, a big celebration was held in Palomas, Mexico the evening the Army headed for Fort Bliss.

Their Strikers and some of their other heavy equipment tore up the land where they headquartered but we were impressed with their dedication to our country, their technology and their resolve to apprehend the illegal immigrants.

The Army is not a long-term solution, however. They need too much support personnel and equipment to carry out their job. It is estimated that for every one (1) Army personnel to watch the border, three (3) support personnel are required. They require sleeping quarters, food and other essentials while on deployment. This can be very expensive over an extended period of time. The Border Patrol does not require the same kind of support. They do need, however, the same technology that is available to our Army.

I understand the number of illegal immigrants apprehended has very recently dropped. No one knows why. The numbers began to fall about a week before the National Guard arrived. Some think it's because the Border Patrol might be doing a better job apprehending the coyotes that guide the immigrants across the border; others believe changes in the catch and release policy have kept a lot of the illegal immigrants from recycling.

No matter the reason, we are pleased President Bush has called up the National Guard. Their assistance will help the Border Patrol agents stay on task and alleviate some of the administrative details that so often bog them down.

New Mexico State Police have also had a physical presence along the New Mexico border for some time now; thanks to Governor Richardson. However, we also need to think about empowering our local law enforcement agencies. The local sheriff offices are all too often under-funded and understaffed. It's their job to respond quickly to their rural constituents. But, their resources are stretched to the max. They need additional officers, improved communications and support from our federal government. It would be nice if Congress would allow some of our tax dollars to trickle back down from Washington, D.C. to help out the local law enforcement agencies instead of building up the federal bureaucracy.

Although joint agency agreements may bring some of the federal money down to the local law enforcement level, all too often the federal hierarchy signing on to these agreements are rotated out of the local area so there's never any consistency in personnel or policy. Neither do they take the time to get acquainted with the local people, their customs, the rural roads or the land. All too often there is little accountability to the state and local law enforcement agencies; or the rural citizens. The usual response to mishaps and misunderstandings is CYA. We don't need more federal bureaucrats, just some financial help to do the job ourselves!!

In addition, we need to start penalizing big corporations that recruit and hire illegal immigrants. Our first bad experience with illegal immigration happened about 12 years ago. Nineteen (19) Chinese immigrants and their coyote showed up at our Animas ranch. They had been lost in the Peloncillo Mountains for three days without food or water. Visibly agitated and upset, they kept kicking and pushing their coyote and would not let him out of their sight.

Their behavior frightened my children. They were afraid the Chinese immigrants would overpower my husband, steal our vehicle, eat their pets; or worse yet, kill one of us. Gratefully, none of this happened. But it did take four hours before the law enforcement agencies arrived. In the meantime, the immigrants fought over the water hose to get a drink, cooked some pork from our freezer and fought over the spoon so they could lick the grease that was left in the pot.

Although we had a hard time communicating with them, we finally understood they wanted to use our phone. They called Van Nuys, California and the Bronx, New York. Sixteen other Chinese immigrants were discovered hiding on the Gray Ranch the next day. We found out later they were a part of a large group that had paid \$10,000 a piece to be transported into the United States. They came by boat from China to Columbia, crossed Mexico by bus, and were going to walk across the border mountains to Rodeo where

they were to be picked up and transported to Phoenix, Arizona, then flown to New York city. There they would be indentured to their employer until the money was paid back. And some think slavery has been abolished in the United States of America. For sure it was too expensive for the U.S. to deport them back to China. I've always wondered what happened to them.

Our nation's greatest resources are not our old growth trees, pristine grasslands, scenic rivers or open spaces. Our greatest resource is the people who make up this great country. We need to know that we too are secure in our own freedoms so we can build a better future for ourselves, as well as our fellow human beings. Only then will all the resources of our world be protected and plentiful.

In my opinion, if all the nations in the world, starting with our sister nation Mexico, would adopt, not just our democratic form of government, but the precepts our Founding Fathers tried to instill in our nation, life would be much better for everyone. What other nation began by declaring that "we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights": Rights that can not be transferred to their government or another individual; the right to life, liberty and the pursuit of happiness. As Thomas Jefferson so eloquently stated: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God?" I thank God for the Constitution of the United States of America and that I live here. Instead of exporting democracy, we should be exporting our Constitution, including our Bill of Rights and our Christian heritage! If we would all treat one another in the same way we want to be treated, what a better world we would all live in. It's such a novel concept!!

Until these human rights can be secured in other nations, we need some relief from the flood of people that our seeking what does not exist in their own countries.

In summary, there are no easy solutions to our border dilemma. It may take years to resolve these issues. Fences won't work. Diplomacy isn't working. Perhaps it's time we start thinking out of the box, put our head together and come up with solutions that will work.

Thank you for inviting me to give my testimony.